

ASSEMBLY BILL

No. 1899

Introduced by Assembly Member Eng

February 16, 2010

An act to add Sections 11004.5 and 11004.6 to the Government Code, relating to state agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1899, as introduced, Eng. State agencies: information: Internet Web site.

Existing law requires, subject to specific exemptions, public records to be open to public inspection.

This bill would require, subject to specific exemptions, state agencies, the Department of General Services, and the office of the State Chief Information Officer to post specified audits and contracts to the state's Reporting Transparency in Government Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Transparency is fundamental to promoting efficiency and
- 4 effectiveness in state government and strengthening the democratic
- 5 process by giving citizens enough information to reach their own
- 6 conclusions about how their tax dollars are being spent.

1 (b) Audits of state agencies and their operations can provide
2 objective and measurable performance reviews and identify and
3 correct inefficient or wasteful practices.

4 (c) Californians seeking information on state governmental
5 operations are often frustrated because a myriad of oversight
6 entities perform audits of state agencies, and the information can
7 be difficult to access due to the lack of a Web-based, central
8 inventory of audits.

9 (d) Many internal audits that state agencies perform on their
10 own operations are finalized but never made public.

11 (e) Billions of dollars in state contracts are entered into each
12 year to purchase goods and services for the people of California,
13 and posting contracts on the Internet is an effective way to help
14 ensure that taxpayers are getting the best value and services are
15 being provided in an efficient manner.

16 (f) The Legislature's continuing commitment to promoting
17 transparency in state government is especially critical while
18 California's economy continues to struggle.

19 SEC. 2. Section 11004.5 is added to the Government Code, to
20 read:

21 11004.5. (a) A state agency shall post any audit regarding its
22 operations, or any audit it performed regarding any other state or
23 local government entity, finalized on or after January 1, 2011, to
24 the state's Reporting Transparency in Government Internet Web
25 site within 15 calendar days of finalization.

26 (b) A state agency shall post any contract it awarded on or after
27 January 1, 2008, valued at five thousand dollars (\$5,000) or more,
28 to the state's Reporting Transparency in Government Internet Web
29 site within 15 calendar days of signing by all parties to the contract.

30 (c) The Department of General Services and the office of the
31 State Chief Information Officer shall assist a state agency to
32 comply with the requirements of this section.

33 (d) This section shall not be construed as requiring the posting
34 of audits or contracts where the posting would (1) violate federal
35 or state law, (2) result in the unauthorized waiver of privileges,
36 such as the attorney-client, attorney work product, or deliberative
37 process privileges, or (3) result in the unauthorized waiver of
38 exemptions from disclosure under the California Public Records
39 Act (Ch. 3.5 (commencing with Section 6250) of Division 7 of
40 Title 1).

1 SEC. 3. Section 11004.6 is added to the Government Code, to
2 read:

3 11004.6. (a) (1) On or before February 15, 2011, a state
4 agency shall post to the state's Reporting Transparency in
5 Government Internet Web site all of the following:

6 (A) Every audit of its operations finalized beginning January
7 1, 2008, and forward, performed by itself or any entity other than
8 itself, including, but not limited to, the Bureau of State Audits, the
9 Controller, the Department of Finance, or a federal agency with
10 oversight responsibility of the state agency's operations.

11 (B) Every audit it performed regarding any other state or local
12 government entity finalized beginning January 1, 2008, and
13 continuing forward.

14 (2) The Department of General Services and the office of the
15 State Chief Information Officer shall assist a state agency to
16 comply with the requirements of this subdivision.

17 (b) Starting on January 1, 2011, the Department of General
18 Services and the office of the State Chief Information Officer shall
19 post any contract awarded by the state as of March 1, 2009, and
20 continuing forward, valued at five thousand dollars (\$5,000) or
21 more to the state's Reporting Transparency in Government Internet
22 Web site.

23 (c) This section shall not be construed as requiring the posting
24 of audits or contracts where the posting would (1) violate federal
25 or state law, (2) result in the unauthorized waiver of privileges,
26 such as the attorney-client, attorney work product, or deliberative
27 process privileges, or (3) result in the unauthorized waiver of
28 exemptions from disclosure under the California Public Records
29 Act (Ch. 3.5 (commencing with Section 6250) of Division 7 of
30 Title 1).